

Appl. No. : **10/606,910**
Filed : **June 26, 2003**

REMARKS

The Office Action mailed on November 9, 2006 has been carefully considered. Accordingly, the changes presented herewith, taken with following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

Claims 116-130 are currently pending. New claims 131-135 are respectfully submitted for consideration by the Examiner. No new matter has been introduced by the addition of claims 131-135.

Claims 116-130 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention, the Examiner having asserted that claim 116 is confusing. Accordingly, claim 116 has been replaced by new claim 131 and claim 119 has been amended to be an independent claim. Claims 116-130 are now believed to comply with the requirements of 35 U.S.C. § 112, second paragraph.

Claims 116-130 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication Number 2006/0238702 ("Glick et al."). Applicant traverses the rejection and respectfully asserts that the portions of Glick et al. relied upon by the Examiner do not constitute prior art under 35 U.S.C. § 102, since the filing date of the current application antedates the filing date of material relied upon from Glick et al. For example, the Examiner has relied on the optics 602, 611 and the movement assembly 620 illustrated in FIGS. 10 and 11 in forming his rejection; however, these elements and figures from Glick et al. were not disclosed in the parent cases (U.S. Application Numbers 10/234,801 and 09/390,380, now USPN 6,616,085). Similarly, the operational block 702 cited by the Examiner and shown in FIG. 12 of Glick et al. was not disclosed in the parent applications. Since the relied-upon material from Glick et al. was not filed until July 10, 2006, it does not constitute prior art under 35 U.S.C. § 102. Accordingly, Applicant asserts that the rejection under 35 U.S.C. § 103(a) is without merit and respectfully request that the Examiner remove the rejection and allow claims 116-130, as well as new claims 131-135.

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CONCLUSION


For the foregoing reasons, Applicant respectfully asserts that the claims now pending are allowable over the prior art of record. Therefore, Applicant earnestly seeks a notice of allowance and prompt issuance of this application.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication to Deposit Account No. 502317.

Respectfully submitted,
Advanced Medical Optics

Dated: February 22, 2007

By:



David Weber
Registration No. 51,149
Agent of Record
Customer No. 33357
(714) 247-8232